

OGC-45

OGC REVIEW COMPLETED

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Mr. [REDACTED]
OPC

13 April 1949

General Counsel

Employment of Retired Army Officers

1. The attached opinion serves well to illustrate the great confusion and possibility of trouble which is inherent in this problem. We therefore cordially invite anyone in your office having a specific problem to discuss it with us in detail.

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2. Mr. [REDACTED] indicates in his hand-written note that we should consider the possibility of special legislation somewhat similar to that authorizing the Veterans Administration, for a limited period, to hire retired officers. For your information, such legislation for CIA has been considered, but rejected after study of the Congressional history of the VA provision. There was strong Congressional antipathy to the granting of any blanket exception permitting the hiring of officers who are retired for other than disability reasons. Only a strong showing by VA that it would have been literally impossible to perform their proper functions immediately after the war persuaded Congress to make an exception in their case, but it will be noted that the VA power to hire retired officers expires in 1951 as Congress considered that necessity could not be demonstrated after that time. Therefore when the CIA legislation was under consideration, the Bureau of the Budget suggested deletion of a provision for hiring officers retired for longevity and the Director specified that no such authority should be included.

3. The only blanket exception that we are aware of applies to the U. S. Soldiers Home where the number of officers' positions is very small and where it is expected that retired officers would be the logical employees.

L. R. HOUSTON

LRH/ml1

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cc: Chrono
Subject

Personnel Office (Mr. [REDACTED]) cy made & sent 6 May 49 - mw